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United States of America

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Criminal Case No. 08MJ8081
	)	
Plaintiff,	)	
	)	
v.	)	<b>UNITED STATES' MOTION TO</b>
	)	<b>DISMISS COMPLAINT WITHOUT</b>
	)	<b>PREJUDICE AS TO DEFENDANTS</b>
REYNALDO SANCHEZ-DIAZ (1),	)	<b>(1) AND (4)</b>
FORTINO AVILA-CONCHOLA (4),	)	
	)	
Defendants.	)	
	)	
	)	

COMES NOW the Plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Karen P. Hewitt, United States Attorney, and Paul L. Starita, Assistant United States Attorney, respectfully requests pursuant to Rule 48(a), Federal Rules of Criminal Procedure, that the Court dismiss without prejudice, the Complaint in the above-entitled case, as to Defendants REYNALDO SANCHEZ-DIAZ (1) and FORTINO AVILA-CONCHOLA (4), only. This motion is made in the interest of justice.

DATED: February 6, 2008.

Respectfully submitted,

KAREN P. HEWITT  
United States Attorney

/s/ Paul L. Starita  
PAUL L. STARITA  
Assistant United States Attorney

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff

v.

REYNALDO SANCHEZ-DIAZ (1),  
FORTINO AVILA-CONCHOLA (4),

Defendants.

Criminal Case No. 08MJ8081

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT:

I, Paul L. Starita, am a citizen of the United States and am at least eighteen years of age. My business address is 880 Front Street, Room 6293, San Diego, California 92101-8893.

I am not a party to the above-entitled action. I have caused service of **UNITED STATES' MOTION TO DISMISS COMPLAINT WITHOUT PREJUDICE AS TO DEFENDANTS (1) AND (4)** on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

1. Erica K. Zunkel, Esq.

I hereby certify that I have caused to be mailed the foregoing, by the United States Postal Service, to the following non-ECF participants on this case:

N/A

the last known address, at which place there is delivery service of mail from the United States Postal Service.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 6, 2008.

/s/ Paul L. Starita  
PAUL L. STARITA  
Assistant United States Attorney